

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

VICTOR FORTUNA,

Defendant.

Consent Order of Restitution

23 Cr. 170 (AT)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Patrick R. Moroney, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Victor Fortuna, the defendant, shall pay restitution in the total amount of \$113,400, pursuant to 18 U.S.C. § 3663(a)(3), to the victim of the offense charged in Count One. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

Restitution is not joint and several with other defendants or with others not named herein.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant;

including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will commence monthly installment payments of at least 2.5 percent of the defendant's gross income, payable on the first of each month, beginning in November 2023.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted. Because the defendant does not have the ability to pay interest, the requirement to pay interest is waived pursuant to 18 U.S.C. § 3612(f)(3)(A).

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any

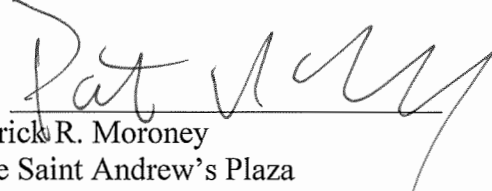
material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

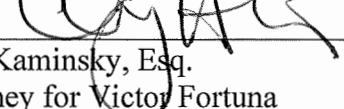
By: 
Patrick R. Moroney
One Saint Andrew's Plaza
New York, NY 10007
Tel.: (212) 637-2330

10/10/23
DATE

Victor Fortuna

By: 
Victor Fortuna

10/10/2023
DATE

By: 
Clay Kaminsky, Esq.
Attorney for Victor Fortuna
52 Duane Street, 10th Floor
New York, NY 10007

10/10/2023
DATE

SO ORDERED:



HONORABLE ANALISA TORRES
UNITED STATES DISTRICT JUDGE

October 10, 2023

DATE

SCHEDULE A

Name	Address	Amount of Restitution
Internal Revenue Service	IRS-RACS Attn: Mail Stop 6261, Restitution 333 W. Pershing Ave. Kansas City, MO 64108	\$ 113,400
Total		\$ 113,400